



Ordinance No: 08-05-11-023

Date: 08-16-2011

ADOPTION of THE INTERNATIONAL BUILDING CODE

An ordinance of the Town of Cheswold adopting the 2006 edition of the *International Building Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the Town of Cheswold; providing for the issuance of permits and collections of fees therefor; repealing all other ordinances and parts of ordinances in conflict therewith, except for those of the State of Delaware and/or Kent County and/or the Land Use Ordinance and Comprehensive Plan of the Town of Cheswold, which all shall have precedence in perpetuity.

The Town Council of the Town of Cheswold does ordain as follows:

Section 1. That a certain document, two (2) copies of which are on file in the office of the Secretary/Treasurer and Town Clerk of the Town of Cheswold, being marked and designated as the *International Building Code*, 2006 edition, including Appendix Chapters A – K, as published by the International Code Council, be and is hereby adopted as the Building Code of the Town of Cheswold, in the State of Delaware for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Town of Cheswold are hereby referred to, adopted and made a part thereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised, by the insertion of the following in the specified sections:

Section 101.1 Town of Cheswold

Section 1612.3 Town of Cheswold

Section 1612.3 November 8, 2009 (*See 2009 Multi-Jurisdictional All Hazard Mitigation Plan Update; Kent County, Delaware; Vulnerability Assessment - Fig. 4.3-5 & Fig. 4.3-6; Section 4.3 Pgs. 10 & 11*)

Section 3410.2 July 20, 2010

Section 3. This Ordinance No. 08-05-2011-023 shall apply except where it may conflict with the Building ordinances, codes, statutes, rules and regulations, set forth by the State of Delaware and/or Kent County and/or the Land Use Ordinance and Comprehensive Plan of the Town of Cheswold, in which case the ordinances, codes, statutes, rules and regulations of State of Delaware and/or Kent County and/or the and Use Ordinance and Comprehensive Plan of the Town of Cheswold shall apply, as applicable to the situation.

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Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Council hereby declares that it would have passed this ordinance, and each section, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. That the Town Clerk and/or Secretary/Treasurer is hereby ordered and directed to cause this ordinance to be published by posting on the Town bulletin board, Town website and local Post Office, for a period no less than 10 business days.

Section 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect September 7, 2011, from and after the date of its final passage and adoption.

Ordinance No. 08-05-11-023 entitled, Adoption of the International Building Code was duly adopted by a majority vote of the Cheswold Town Council at the Council meeting held on Tuesday, September 6, 2011, at which a quorum was present.

I, Robert W. Sine, Mayor of the Town of Cheswold, do hereby certify that the foregoing is a true and correct copy of the Act passed by affirmative vote of all elected Members of the Cheswold Town Council on Tuesday, September 6, 2011.

Certified: _____
Mayor

Date: September 6, 2011

ATTEST: _____
Secretary/Treasurer

Date: September 6, 2011

Sponsored by: Theon E. Callender – Councilperson

Date: August 5, 2011